

REMARKS

Claims 2 - 6, 8, 10, and 15 - 27 are now in this application. Claims 1, 7, 9, and 11 - 14 are cancelled herein. New claims 15 - 27 are added. Claims 2 - 6, 8 and 10 are amended herein to clarify the invention and to express the invention in alternative wording, and to address matters of form unrelated to substantive patentability issues, all of which are believed to render the claims such that they more particularly recite and distinctly claim the subject matter which the applicants regard as the invention. Other formal matters are attended to that were not addressed by the Examiner and accordingly are considered unrelated to substantive patentability issues.

Previously, claims 1 - 14, which were in the application prior to this Amendment, were subject to a Requirement for Restriction, as set forth in the presently pending Office Action mailed in the case on April 7, 2004.

In that Office Action, the Examiner indicated the alleged presence of two separate inventions, namely, a first invention drawn to complexes comprising a formative agent, and a gene, and methods of using them to inhibit cell adhesion, classified in class 536, subclass 23.1; and encompassing original claims 1 - 4, 7 - 9, 11, and 13; and a second invention drawn to compositions comprising a formative agent and a cell adhesion inhibitor or immune tolerogen and methods of using them

to inhibit cell adhesion, classified in class 514, subclass, 456, and encompassing original claims 1 - 3, 5 - 8, and 10 -14.

Original claims 1 - 3, 7, 8, 11 and 13 were deemed by the Examiner to be generic.

In view of the herein above amendments to the claims and the addition of new claims 15 - 27, all of which are intended to more particularly point out and precisely claim the subject matter of the present application which the applicants regard as the invention, it is respectfully submitted that the above-mentioned Requirement for Restriction and categorization of the two inventions is no longer appropriate, is moot, and should be withdrawn. It is respectfully requested that the Examiner reconsider the existence of alleged multiple inventions in light of the amended claims, and either remove all requirement for restriction, or present a new requirement based on the claims in the application after entry of the present amendment.

New claim 15 provides a clearer statement of the subject matter of the application which is a composition of matter, namely, a formative agent, that has its utility in the formation of one of a protein complex; a gene complex; as a cell adhesion inhibitor; and as an immune tolerogen.

New claims 16 - 27, inclusive, are method claims drawn to methods utilizing the formative agent of the present application in each of the above utilities, as follows:

Claims 16 - 18 - method of forming a protein complex;

Claims 19 - 21 - method of forming a gene complex;

Claims 22 - 24 - method of inhibiting cell adhesion; and

Claims 25 - 27 -method of immunizing with an immune tolerogen.

In order that this Amendment not be deemed non-responsive to the April 7, 2004 Office Action, and even though applicants traverse the original Requirement for Restriction, request its withdrawal, and request reconsideration as to the final removal of the requirement for restriction or imposition of a new one in view of the herein amended, cancelled, and newly submitted claims, applicants hereby provisionally elect the first one of the Examiner's alleged two inventions, namely, that one drawn to a formative agent for forming a gene complex and to a method for its formation.

In view of the amendments to the claims, cancellation of certain previous claims, and addition of certain new claims, the original groupment of claims, based on an incorrect determination as to the nature of the originally alleged two inventions, is considered to be moot.

The claims in the present application after entry of this Amendment, relating to a formative agent for a gene complex, and a method of its formation, are, however, considered to be as follows:

Formative agent for gene complex formation: Claims 15, 2, 4.

Method for forming a gene complex - Claims 16, 17, 18.

The following additional explanation of the remaining claims in the present application after entry of this Amendment is made to assist the Examiner in understanding how the remaining claims in the present application are organized. In providing this explanatory material, applicants in no way concede that any of the following commentary in any way constitutes an admission or recognition that any of the other claims in the application constitute claims drawn to any other distinct inventions.

Formative agent for protein complex formation: Claims 15, 2, 3, 8, 10

Formative agent for cell adhesion inhibitor formation: Claims 15, 2, 5

Formative agent for immune tolerogen formation: Claims 15, 2, 6

Method for forming a protein complex: Claims 16, 17, 18

Method for cell adhesion inhibition: Claims 22, 23, 24

Method for immunizing with an immune tolerogen: Claims 25, 26, 27

Claims 15 and 2 are generic.

Again, applicants contend that all of the foregoing represent, at mot, alternative embodiments and aspects of a single invention.

Two (2) further independent claim(s) in excess of three are added. There is a total of 20 claims in the application after entry of this Amendment. Applicants have Small Entity status. Accordingly, please charge the fee of $2 \times \$43. = \$86.$ to Deposit Account No. 10-1250.

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$55. for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, it is earnestly solicited that the Examiner will, upon entry and consideration of this Amendment, withdraw the Requirement for restriction of the April 7, 2004 Office Action, will not impose a new Requirement for Restriction in view of the amendments to the claims, new claims, and accompanying Remarks submitted herewith; and will find all claims pending in the application after entry of this Amendment to be in proper form for allowance, the early notification of which is also earnestly solicited.

In addition to the above-indicated additional claims fee for the two additional independent claims above 3 previously paid for, and the fee for the one month extension of the time to respond, no other fees are believed due at this time in conjunction with the filing of this Amendmnet. If, however, any additional fees are

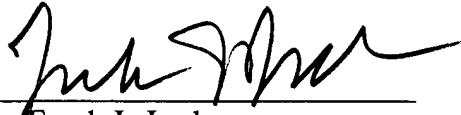
Docket No. F-7323

Ser. No. 10/085,555

due, they should be charged to, and any overpayments credited to, Deposit Account
No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By 
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

FJJ/HRJ